

HOUSE BILL NO. 596

INTRODUCED BY R. KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS ON SERVICE OF PROCESS; PROVIDING THAT AFTER AN INITIAL ATTEMPT AT SERVICE HAS FAILED, A SUMMONS, COMPLAINT, OR EVICTION NOTICE MAY BE SERVED ON AN ADULT RESIDING AT THE RESIDENCE OF THE PERSON UPON WHOM SERVICE IS SOUGHT OR THE EMPLOYER OF THE PERSON UPON WHOM SERVICE IS SOUGHT AT THE EMPLOYER'S PLACE OF BUSINESS; DESIGNATING ADULT RESIDENTS AND EMPLOYERS AS AGENTS FOR THE PURPOSE OF RECEIVING SERVICE OF PROCESS; AND PROVIDING THAT UPON SERVICE OF A WRIT OF EXECUTION ON A FINANCIAL INSTITUTION, THE FINANCIAL INSTITUTION SHALL IMMEDIATELY SURRENDER ALL AVAILABLE FUNDS TO THE PERSON SERVING THE WRIT OF EXECUTION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Substitute service. (1) After an initial attempt to serve a summons, complaint, or eviction notice on a person has failed, the person serving process may serve:

(a) a person 18 years of age or older residing at the residence of the person upon whom service is sought; or

(b) the employer of the person upon whom service is sought at the employer's place of business.

(2) For the purpose of this section, a person 18 years of age or older residing at the residence of the person upon whom service is sought and the employer of the person upon whom service is sought are considered to be an agent authorized by law to receive service of process. An employer shall designate an individual at the place of employment who is authorized to receive service of process pursuant to this section.

(3) The officer or process server shall advise the agent that failure to forward process to the named person may result in an obstruction of a peace officer or other public servant charge, as provided in 45-7-302.

NEW SECTION. Section 2. Writ of execution served on financial institution. (1) Upon service of a writ of execution on a financial institution, as defined in 15-62-103, the financial institution shall immediately surrender all available funds to the person serving the writ of execution.

(2) Failure of a financial institution to comply with subsection (1) may result in an obstruction of a peace officer or other public servant charge, as provided in 45-7-302.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 25, chapter 3, part 2, and the provisions of Title 25, chapter 3, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 25, chapter 13, part 4, and the provisions of Title 25, chapter 13, part 4, apply to [section 2].

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